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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,396	10/31/2007	Francesc Ayats	10292-616 (11375P6 US)	1397
27389 7590 11/13/2008 NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER BARRY, CHESTER T	
			ART UNIT	PAPER NUMBER
			1797	
			MAIL DATE	DELIVERY MODE
			11/13/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,396	<b>Applicant(s)</b> AYATS ET AL.	
	<b>Examiner</b> CHESTER T. BARRY	<b>Art Unit</b> 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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Claims 1 - 12 are rejected under 35 USC Sec 103(a) as obvious over WO 02/18280 to RECKITT BENCKISER in view of USP 5821207 to Kanai and WO 98/40464 to UNILEVER. RECKITT BENCKISER discloses a method of softening water, wherein hard water is contacted with a container containing a mixture of two or more surfactants (i.e., detergents) (page 8 line 4) and one or more water-softening agents able to bind calcium ions, the container having an enclosing wall wherein at least part of the wall is permeable to the water and to components dissolved therein. The reference fails to disclose that the product is stored and removed prior to use from packaging having a moisture vapour transmission rate of less than  $30\text{g/m}^2/\text{day}$ . Given the nature of the problem of a manufacturer distributing a product for use by an end-use consumer, the person having ordinary skill in this art would have expected or otherwise found it obvious to have stored the product before use in packaging of one kind or another, and to have removed the product prior to use from the packaging. The reference does not describe product packaging having a moisture vapor transmission rate of less than  $30\text{g/m}^2/\text{day}$ . The reference does, however, state that the product preferably comprises sodium silicate as a detergent builder (at page 8 line 18):

It is preferred that the cleaning agent used in a machine washing method contains a builder. Suitable builders include water soluble inorganic salt builders, preferably . . . sodium silicate. . .

USP 5821207 to Kanai, directed to the art of detergent builders, teaches that silicate builders have a problem of chemical stability. Kanai teaches further that it has been known that the silicate compounds gradually change chemically by the action of

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water vapor in the air, thereby deteriorating the water softening properties when used as builders.

Accordingly, the person having ordinary skill in the art would have been motivated to reduce exposure of the silicate-bearing product disclosed by RECKITT BENCKISER to water vapor. A notoriously well-known method of doing so in the cleaning compositions arts is to package such water vapor-sensitive materials in a packaging material having a relatively low moisture vapor transmission rate. Such packaging materials are known, as shown, for example, by WO 98/40464 to UNILEVER. UNILEVER describes a packaging film having a MVTR of less than  $20\text{g/m}^2/\text{day}$ . It would have been obvious to have used a packaging film of this type to reduce exposure of the silicates in the Reckitt Benckiser cleaning composition to water vapour for the purpose of mitigating the deteriorating effects of ambient airborne water vapour on the water softening properties of silicate builders, as taught by Kanai.

Per claims 2 and 4, at least one of the water softeners taught by Reckitt Benckiser is water insoluble, e.g., cation exchange resin. Per claim 3, use of the product in ware washing machines is described by Reckitt Benckiser. Per claim 6, Reckitt Benckiser describes both water insoluble and water soluble softeners. Per claim 7, Reckitt Benckiser describes flat containers – tea bags of square flat form – as “highly effective.” The reference also describes containers of sachets or pouches or made from woven or non-woven sheets.

/Chester T. Barry/  
Primary Examiner, Art Unit 1797  
571-272-1152